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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **RSA 214/2004**

M/S UNBREAKABLE SLATE MANUFACT

..... Appellant

Through: Ms. Sangeeta Chandra, Advocate
with Mr. Deepak Khadaria, Advocate.

Versus

D.D.A.

..... Respondent

Through: Mr. Amitabh Marwah, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **20.04.2017**

1. This is one of the oldest RSAs in this Court being of the year 2004. There is a very limited issue in the present case that the appellant/plaintiff seeks that its eviction from the suit premises being plot no. C 212, Rewari Line Industrial Area, Phase II, New Delhi should be in accordance with law i.e the appellant/plaintiff cannot be thrown out/dispossessed from the suit property by using force, i.e appellant can only be evicted pursuant to an eviction order passed under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as

‘Public Premises Act’). Admittedly the proceedings under the Public Premises Act were initiated against the appellant. The proceedings have been stayed by virtue of an interim order which has been passed by this Court.

2. Today it is agreed and accordingly this appeal is disposed of by the consent order that appellant will not be dispossessed from the suit premises without taking the procedure under the Public Premises Act and the appellant will only be evicted only if the proceedings initiated by the respondent under the Public Premises Act are successful. In such proceedings under the Public Premises Act, the appellant will have all defences as available to it in fact and law to dispute the case of the eviction/dispossession of the appellant.

3. Since the issue in the present case is pending since the year 2003 i.e the issue is over 14 years old, both the parties are directed that none of them will take unnecessary adjournments in the Public Premises Act proceedings and the Estate Officer under the Public Premises Act is directed to act in accordance with law and expeditiously complete the proceedings.

4. Appeal is accordingly disposed of in terms of aforesaid consent

order, leaving the parties to bear their own costs.

5. Dasti to counsels for the parties.

VALMIKI J. MEHTA, J

APRIL 20, 2017

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